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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,679	09/28/2001	David Teller	TELL-0007-1	3487

7590 12/14/2006  
Jagtiani & Guttag  
10363-A Democracy Lane  
Fairfax, VA 22030

EXAMINER
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BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/964,679

Applicant(s)

TELLER, DAVID

Examiner

Michael Butler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4, 6-20, 22-28, 63 and 64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-2, 4, 6-20, 22-28, 63 and 64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Priority***

1. Applicant's claim of priority to application 60/311366 filed 8/13/01.

#### ***Drawings***

2. New drawings will be required contingent upon allowance because the drawings were objected to by the draftsman/declared informal by the applicant.

#### ***Election/Restriction***

3. Applicant's election of invention I with traverse of the restriction requirement in Paper No. 5 was acknowledged and made final. As applicant did not provide any rationale for the traversal, it is being treated as an election without traverse. Applicant has since cancelled the nonelected claims.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-2, 4, 6-8, 28, and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Bustos '491 (6164491) which discloses all the claimed elements including:

(Re: cl 1) Method for controlling the dispensing of at least one serving

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entering user identification information (c10 L 1-10)

entering dispensing information about at least one serving in the dispensing apparatus including quantity of serving entering dispensing (c10 L 1-10)

information about a location of a recipient where at least of one serving to be delivered in dispensing apparatus

dispensing premised upon the information (c10 L 1-10)

dispensing information comprises the separate location to be delivered (c7 L 48-c8 L 48)

(Re: cl 2) putting dispenser in standby state (c11 L 48-c12 L 13)

(Re: cl 4) the number of the serving to be dispensed (c10 L 1-10)

(Re: cl 5) dispensing information comprises the location to be delivered (c1 L 1-10)

dispensing information comprises the separate location to be delivered

(Re: cl 6) dispensing information comprises an input of an amount of payment (c5 L 15-37)

(Re: cl 7) dispensing information comprises dispensing apparatus which will dispense the serving (c8 L 1-35)

(Re: cl 8) dispensing apparatus dispenses at least one serving into a container (c8 L 1-35)

(Re: cl 28) dispensing apparatus comprises a multi-dispensing apparatus (c8 L 1-35)

(Re: cl 63) the at least one serving is a beverage (c8 L 1-35)

6. Claims 1-2, 4, 8-9, 13, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Greenwald et al. (6597969) which discloses all the claimed elements including:

(Re: cl 1) Method for controlling the dispensing of at least one serving

entering user identification information,

entering dispensing information about at least one serving in the dispensing apparatus including quantity of serving (C13 L 1-31),

entering dispensing information about a location of a recipient where at least of one serving to be delivered in dispensing apparatus

dispensing premised upon the information (c6 L -50)

dispensing information comprises the separate location to be delivered (c6 L -50)

(Re: cl 2) putting dispenser in standby state (c6 L -50)

(Re: cl 4) the number of the serving to be dispensed (c5 L 51-67)

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(Re: cl 7) dispensing information comprises dispensing apparatus which will dispense the serving (c4 L 35-63)

(Re: cl 8) dispensing apparatus dispenses at least one serving into a container (8 L 6-16)

(Re: cl 9) identification information comprises bar code (C12 l 29-50)

(Re: cl 10) identification information comprises a magnetic strip

(Re: cl 11) identification information comprises a password

(Re: cl 12) identification information is a part of container

(Re: cl 13) dispensing information comprises a bar code (C12 l 29-50)

(Re: cl 14) dispensing information comprises a magnetic strip

(Re: cl 15) dispensing information comprises a password (C22 l 1-28)

(Re: cl 16) dispensing information is part of container (8 L 6-16)

(Re: cl 17) storing identification in a warehoused database (C 5 L 51-67)

(Re: cl 18) storing first dispensing information in warehoused database (C 5 L 51-67)

(Re: cl 19) storing destination information in warehouse database (C 5 L 51-67)

(Re: cl 20) comparing any two entries recorded in warehouse database (C 5 L 51-67).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim(s) 1-2, 4, 6-8, 11-12, and 15-20 and 22-28 and 63-64 is/are rejected under 35

U.S.C. 103(a) as being unpatentable over McHale 5913454 in view of Sandstedt. 4415065 in

which Mogadam et al. discloses:

(Re: cl 1) Method for controlling the dispensing of at least one serving  
entering user identification information (c2 L 17-39)  
entering dispensing information about at least one serving in the dispensing  
apparatus including quantity of serving (c2 L 17-39)  
entering dispensing information about a location of a recipient where at least  
of one serving to be delivered in dispensing apparatus  
dispensing premised upon the information (c2 L 17-39)  
(Re: cl 2) putting dispenser in standby state  
(Re: cl 4) the number of the serving to be dispensed (c3 L 1-25)  
(Re: cl 5) dispensing information comprises the location to be delivered (c2  
L 17-39)  
(Re: cl 6) dispensing information comprises an input of an amount of  
payment (c4 L 40-60)  
(Re: cl 7) dispensing information comprises dispensing apparatus which will  
dispense the serving (c2 L 65-c3 L 55)  
(Re: cl 8) dispensing apparatus dispenses at least one serving into a  
container (c2 L 17-39);  
(Re: cl 10) (63) identification information comprises a magnetic strip (c5 L  
35-60)  
(Re: cl 22) destination information consists of an amount of payment (c4 L  
40-60)  
(Re: cl 23) entering second dispensing information about at least one  
serving, second dispensing serving information including information about  
a refill serving quantity;  
linking second dispensing information with destination information;  
putting readied dispensing information with destination information;  
activating readied dispensing information with destination information;  
activating readied dispensing apparatus based on second dispensing  
information to put dispensing apparatus in activated state;  
dispensing at least one serving from activated dispensing apparatus in the  
quantity entered based on second dispensing information (c3 L 1-25; c5 L 1-  
30)

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(Re: cl 24) putting dispensing apparatus in standby state (c3 L 1-25; c5 L 1-30)

(Re: cl 25) pressing an activation device to dispense at least one serving after dispensing apparatus placed in activated state(c3 L 1-25; c5 L 1-30)

(Re: cl 26) timing out the dispensing by disabling activated dispensing apparatus and returning activated dispensing apparatus to readied state when button is not pressed within allocated time period (c5 L 29-36)

(Re: cl 27) disabling activated apparatus and returning activated dispensing apparatus to readied state when at least one serving is dispensing into container in accordance with dispensing information (c5 L 29-36)

(Re: cl 28) dispensing apparatus comprises a mulit-dispensing apparatus (c2 L 65-c3 L 55)

(Re: cl 63) the at least one serving is a beverage (abstract).

The latter discloses any elements not explicitly taught by the former including:

entering the serving destination information which is at a separate location (c2 L 37-64).

It would have been obvious at the time of the invention for McHale to assign dispensing premised on destination information so as to optimize product delivery to the customer as taught by Sandstedt.

9. Claim(s) 1-2, 4, 6-8, 11-12, and 15-20 and 22-28 and 63-64 is/are rejected under 35

U.S.C. 103(a) as being unpatentable over Mogadam et al. 6036055 in view of Sandstedt.

4415065 in which Mogadam et al. discloses:

(Re: cl 1) Method for controlling the dispensing of at least one serving  
entering user identification information (c2 L 17-39)

entering dispensing information about at least one serving in the dispensing  
apparatus including quantity of serving (c2 L 17-39)

entering dispensing information about a location of a recipient where at least  
of one serving to be delivered in dispensing apparatus

dispensing premised upon the information (c2 L 17-39)

(Re: cl 2) putting dispenser in standby state

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- (Re: cl 4) the number of the serving to be dispensed (c3 L 1-25)
- (Re: cl 5) dispensing information comprises the location to be delivered (c2 L 17-39)
- (Re: cl 6) dispensing information comprises an input of an amount of payment (c4 L 40-60)
- (Re: cl 7) dispensing information comprises dispensing apparatus which will dispense the serving (c2 L 65-c3 L 55)
- (Re: cl 8) dispensing apparatus dispenses at least one serving into a container (c2 L 17-39);
- (Re: cl 10) (63) identification information comprises a magnetic strip (c5 L 35-60)
- (Re: cl 22) destination information consists of an amount of payment (c4 L 40-60)
- (Re: cl 23) entering second dispensing information about at least one serving, second dispensing serving information including information about a refill serving quantity;
- linking second dispensing information with destination information;
- putting readied dispensing information with destination information;
- activating readied dispensing information with destination information;
- activating readied dispensing apparatus based on second dispensing information to put dispensing apparatus in activated state;
- dispensing at least one serving from activated dispensing apparatus in the quantity entered based on second dispensing information (c3 L 1-25; c5 L 1-30)
- (Re: cl 24) putting dispensing apparatus in standby state (c3 L 1-25; c5 L 1-30)
- (Re: cl 25) pressing an activation device to dispense at least one serving after dispensing apparatus placed in activated state(c3 L 1-25; c5 L 1-30)
- (Re: cl 26) timing out the dispensing by disabling activated dispensing apparatus and returning activated dispensing apparatus to readied state when button is not pressed within allocated time period (c5 L 29-36)
- (Re: cl 27) disabling activated apparatus and returning activated dispensing apparatus to readied state when at least one serving is dispensing into container in accordance with dispensing information (c5 L 29-36)
- (Re: cl 28) dispensing apparatus comprises a multi-dispensing apparatus (c2 L 65-c3 L 55)
- (Re: cl 63) the at least one serving is a beverage (abstract).

The latter discloses any elements not explicitly taught by the former including:

entering the serving destination information which is at a separate location (c2 L 37-64).

It would have been obvious at the time of the invention for Mogadam to assign dispensing premised on destination information so as to optimize product delivery to the customer as taught by Sandstedt.

***Response to Amendments/Arguments***

10. Applicant's amendments were effective in overcoming the anticipatory rejections on the amended claims evidenced by McHale and Mogadam. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidenced by Bustos et al. and Greenwald et al. as they taught the new element.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEB  
12/11/06



PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600